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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,431	12/21/2001	Richard C. Foss	2037.1002-003	8755

21005 7590 10/18/2002

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EXAMINER

DINH, TAN X

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

10/0321431


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Patent and Trademark Office**

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6

DATE MAILED:

 This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY
☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

 A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☐ Claim(s) _____ is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 18-25 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

Art Unit: 2653

1) This application is a re-issue of US 5,414,662. Original claims 1-17 have been canceled. New claims 18-25 are currently added.

2) The **I.D.S** filed 4/05/2002 has been considered by Examiner. However, the Japanese/foreign document(s), if they have not been written in English, are considered to the extent that could be understood from the Abstract (English language) and the drawings.

Form **PTO-1449** is(are) attached herein.

3) This reissue application was filed without the required offer to surrender the original patent or, if the original is lost or inaccessible, an affidavit or declaration to that effect.

The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

4) The abstract is improper since it contains the data of the whole front page of the patent. A new abstract (just Abstract itself) is required in next communication.

5) Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2653

Claim 25 depends from cancel claim 7 which makes claim 25 becomes an incomplete claim.

6) The reissue oath/declaration filed with this application is defective (see 37 CFR 1.175 and MPEP § 1414) because of the following:

a) The Oath or Declaration must state whether the inventor is a sole or joint inventor of the invention claimed as required by 37 CFR 1.63(a)(4).

b) The Oath or Declaration must identify the foreign application, if any, on which foreign priority is being claimed by specifying the application number, country, day, month, and year of its filing as required by 37 CFR 1.63(c). If the original patent contains a claim for foreign priority. Such claim must be repeated in the re-issue application in order to retain priority to the early effective filing date. MPEP 1417.

7) Claims 18-25 are rejected as being based upon a defective reissue Oath or Declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the Oath or Declaration is set forth in the discussion above in this Office action.

8) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2653

YAMAUCHI (5,010,523), KIM (5,247,482), DHONG et al (5,257,232), TANAKA et al (5,444,662), HASHIMOTO (5,673,219), SEYYEDY (5,856,939) and CHI (5,936,898) discloses a method for sensing and restoring data stored in a dynamic random access memory.

9) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to TAN DINH whose telephone number is (703)308-4859. The Examiner can normally be reached on Monday - Friday from 8:00AM to 5:30PM.

The *fax phone number* for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the RECEPTIONIST whose telephone number is (703) 305-4750, or the CUSTOMER SERVICE whose telephone number is (703) 306-0377.



TAN DINH
PRIMARY EXAMINER

October 16, 2002